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11 *Representing the United States of America*

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE BUENROSTRO,

Defendant.

Case No. 2:17-cr-00267-APG-GWF

**STIPULATION TO CONTINUE  
GOVERNMENT'S RESPONSE TO  
DEFENDANT'S MOTION TO SUPPRESS  
AND EVIDENTIARY HEARING ON  
DEFENDANT'S MOTION TO SUPPRESS  
(Second Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between, the United States of America, through the undersigned, together with Crane Pomerantz, Esq., counsel for defendant JOSE BUENROSTRO, that the Government's Response to Defendant's Motion to Suppress currently due on April 4, 2019, be vacated and continued for three weeks, with a new due date of April 24, 2019. Additionally, the Evidentiary Hearing on Defendant's Motion to Suppress currently set for April 10, 2019 at 9:30 a.m. also be vacated and continued for a time convenient to this Court but no sooner than four weeks, May 6, 2019, from that date.

This stipulation is entered for the following reasons:

1. The government needs additional time to research and review Defendant's

1 Motion to Suppress and file a response.

2 2. Two of the potential witnesses, for the evidentiary hearing, probation officers  
3 MacDiermid and Thompson, are in training from April 9, 2019 through April  
4 11, 2019.

5 3. The third potential witness for the evidentiary hearing, retired DEA Agent  
6 Mabey, will be out of the state from May 12, 2019 – May 22, 2019.

7 4. The assigned AUSA begins trial in the case of *United States v. Thomas et al.* 15-  
8 cr-62-APG-CWH on April 22, 2019 and it is set to last until May 3, 2019.

9 5. The parties agree to the continuance.

10 6. The defendant is currently in custody and agrees to the continuance.

11 7. For the reasons stated above, the ends of justice would best be served by a  
12 continuance of the government's response deadline and evidentiary hearing.

13 8. The additional time requested by this stipulation is made in good faith and  
14 not for purposes of delay.

15 9. Additionally, denial of this request for continuance could result in a  
16 miscarriage of justice.

17 10. The additional time requested by this stipulation is excludable in computing  
18 the time within which the trial herein must commence pursuant to the Speedy  
19 Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and 3161(h)(7)  
20 and Title 18, United States Code, Section 3161(h)(7)(A) when considering the  
21 factors under Title 18, United States Code, Sections 3161(h)(7)(B),  
22 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).

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1       11.    This is the third request for a continuance on the deadline and the second for  
2 the evidentiary hearing filed herein.  
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4       Dated this 3rd day of April, 2019  
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6       NICHOLAS A. TRUTANICH  
7       United States Attorney  
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11      /s/  
12      ALEXANDRA MICHAEL  
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11      /s/  
12      CRANE POMERANTZ  
13      Counsel for Defendant JOSE BUENROSTRO  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
JOSE BUENROSTRO,  
Defendant.

Case No. 2:17-cr-00267-APG-GWF

**ORDER GRANTING STIPULATION TO  
CONTINUE GOVERNMENT'S  
RESPONSE TO DEFENDANT'S MOTION  
TO SUPPRESS (ECF No. 54) AND  
EVIDENTIARY HEARING ON  
DEFENDANT'S MOTION TO SUPPRESS  
(ECF No. 52)**

## FINDING OF FACTS

This stipulation is entered for the following reasons:

1. The government needs additional time to research and review Defendant's Motion to Suppress and file a response.
2. Two of the potential witnesses, for the evidentiary hearing, probation officers MacDiermid and Thompson, are in training from April 9, 2019 through April 11, 2019.
3. The third potential witness for the evidentiary hearing, retired DEA Agent Mabey, will be out of the state from May 12, 2019 – May 22, 2019.
4. The assigned AUSA begins trial in the case of *United States v. Thomas et al.* 15-cr-62-APG-CWH on April 22, 2019 and it is set to last until May 3, 2019.
5. The parties agree to the continuance.
6. The defendant is currently in custody and agrees to the continuance.
7. For the reasons stated above, the ends of justice would best be served by a continuance of the government's response deadline and evidentiary hearing.

8. The additional time requested by this stipulation is made in good faith and not for purposes of delay.
9. Additionally, denial of this request for continuance could result in a miscarriage of justice.
10. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and 3161(h)(7) and Title 18, United States Code, Section 3161(h)(7)(A) when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B), 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).
11. This is the third request for a continuance on the deadline and the second for a dentriary hearing filed herein.

## ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, IT IS HEREBY ORDERED, that Government's Response to Defendant's Motion to Suppress, currently set for April 3, 2019, be vacated and continued until April 24, 2019. IT IS FURTHER ORDERED, that the Evidentiary Hearing for Defendant's Motion to Suppress, currently set for April 10, 2019 at 9:30 a.m., be vacated and continued until May 15, 2019 at 9:30 AM in Courtroom 3A.

UNITED STATES MAGISTRATE JUDGE